

THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

November 30, 2021

Michael S. Regan, Administrator
U.S. Environmental Protection Agency
Mail Code: 1101A
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
Regan.Michael@epa.gov

JoAnn Chase, Director
American Indian Environment Office
Mail Code: 2690M
Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
chase.joann@epa.gov

Rubén Mojica Hernandez, Acting Manager
Tribal Branch
Tribal Intergovernmental & Policy Division
Mail Code: TIP-1
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105
Mojica-hernandez.ruben@epa.gov

Dear Mr. Regan, Ms. Chase, and Mr. Mojica-Hernandez,

Thank you for the November 18, 2021 consultation on the proposed allocation strategy for the Tronox Settlement Funds. As stated during the consultation, the mine sites on the Navajo Nation subject to the Tronox Settlement need to be cleaned up, and it is our position that cleanup is ultimately the responsibility of the federal government.

The Navajo Nation remains steadfast in its support of its people and communities that have been, and continue to be, harmed by the legacy of uranium mining. The Navajo Nation will continue to advocate for our people and communities. We will hold accountable those responsible for this harm to ensure these sites are cleaned up. We understand that an allocation decision is needed to begin negotiations to make up the identified funding deficits for the Tronox Settlement, but the Navajo Nation's concerns and objections to the proposed allocation strategy should be noted for the record.

While we are encouraged by the current federal administration's efforts to meaningfully engage in government-to-government consultation with the Navajo Nation and fulfill its responsibility to the Navajo Nation and the Diné (Navajo People), we must ensure that our people, land, and natural resources are protected. All of the mine sites on the Navajo Nation should be prioritized for full funding and complete cleanup. Furthermore, the Settlement Funds allocated to the mine sites on the Navajo Nation should not only be realized through the successful cleanup of these sites, but also through the employment of Navajo contractors and support of the Navajo Nation government. Meaningful government-to-government consultation,

input and engagement means that the Navajo Nation is also empowered through the direct allocation of Settlement Funds.

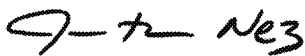
It should also be considered, despite assurances that existing and viable potentially responsible parties (PRPs) are liable, that actions to make up the identified funding deficit will take place during the unprecedented time of a global health pandemic. In addition to the public health emergency that exacerbates community health risk, we are losing lives to those that have suffered from the long-term effects of uranium mining. The Navajo Nation and its people continue to assume the risks associated with abandoned uranium mine sites until all of these sites are cleaned up. And the risks are increased when faced with a funding deficit in the midst of a pandemic.

Additionally, we understand that the estimates in the proposed allocation strategy were calculated prior to the selection of a final remedy for each mine site. The highest cost remedy, disposal of mine site waste off the Navajo Nation, provided the estimated cleanup costs for mine sites on the Navajo Nation. Many residents residing near these mine sites will likely support this remedy, but where the waste will be removed to remains a concern. The Navajo Nation is diverse. The selection of a remedy must consider the local community, as well as the human cost of the final outcome. We have recently seen how waste disposed of off the Navajo Nation may not in fact achieve the goals of local community members affected by the legacy of uranium mining and therefore continue to place our people in harm's way.

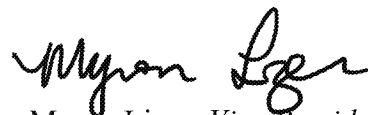
Finally, the Navajo Nation enjoys a healthy skepticism of the federal government due to historical injustices and their ongoing effects. There is still a significant amount of funding needed to make up the identified funding deficit, which presents a risk to the Navajo Nation ensuring the mine sites are cleaned up. We implore the United States Environmental Protection Agency to consider the legacy of uranium mining across the Navajo Nation as it finalizes the allocation strategy for the Tronox Settlement Funds. The Navajo Nation is ready to realize the positive contributions of its people throughout the history of the great United States through the safe and successful cleanup of these mine sites.

We look forward to ongoing and meaningful consultation as the cleanup progresses.

Sincerely,



Jonathan Nez, *President*
THE NAVAJO NATION



Myron Lizer, *Vice President*
THE NAVAJO NATION

Valinda Shirley, Executive Director
Navajo Environmental Protection Agency